

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeanne Voltz-Loomis, et al.,)	Case No. 5:20-cv-1533-DCC-KDW
)	
Plaintiff,)	
)	
v.)	
)	ORDER
Henry McMaster, in his official capacity)	
as Governor of the State of South)	
Carolina, et al.,)	
)	
Defendants.)	
_____)	

On April 21, 2020, Petitioners filed a Petition for Writ of Habeas Corpus,¹ seeking an order from this Court directing Respondents to release a large number of individuals incarcerated in the South Carolina Department of Corrections ("SCDC") on parole, furlough, or home detention due to the threat posed by COVID-19. ECF No. 1 at 41–43. Additionally, Petitioners ask the Court to direct Respondents to submit a plan, to be overseen by a qualified public health expert, which outlines: (1) specific mitigation efforts, (2) a housing and/or public support plan for any released inmate; and (3) appointment of a Special Master to chair a Coronavirus Release Committee. *Id.* at 43. Finally, Petitioners seek "[a] declaration that SCDC's policies violate Petitioners' Eighth and Fourteenth Amendment rights against cruel and unusual punishment" and request an award of attorneys' fees and costs. *Id.*

¹ Petitioners label their pleading as a Petition and a Complaint for injunctive and declaratory relief. However, Petitioners' pleading does not contain a request for injunctive relief. Therefore, the Court's initial briefing schedule, set forth below, is limited to the causes of action apparent from the face of Petitioners' pleading.

Motion to Expedite

On April 24, 2020, Petitioners filed a Motion to Expedite. ECF No. 9. Because Respondents have not yet appeared in this case through counsel, the Court issued an Order on April 27, 2020, directing Petitioners to file a status report stating whether Respondents have been served with the filings in this case and the identity of Respondents' counsel. ECF No. 10. In light of the nature of this case and the severity of the COVID-19 pandemic, the Court finds that a response to the Motion to Expedite is unnecessary and further finds that all parties would benefit by an expedited resolution of this case. Accordingly, Petitioners' Motion to Expedite, ECF No. 9, is **GRANTED**.

Respondents are directed to file a responsive pleading no later than **Wednesday, May 6, 2020, at 5:00 p.m.** In addition to responding to the Petition, Respondents are directed to respond to the Court's interrogatories set forth below.

The Court will set a further briefing schedule for this case after Respondents file a responsive pleading.

Court's Interrogatories

Respondents are directed to respond to the following interrogatories no later than **Wednesday, May 6, 2020, at 5:00 p.m.** Respondents may answer these interrogatories separately or may incorporate the answers into their responsive pleading. The purpose of these interrogatories is to provide the Court with accurate context and information about how Respondents are responding to the COVID-19 pandemic in SCDC facilities.

1. How many inmates are in SCDC custody?
2. Please list the number of inmates in every SCDC facility in addition to the maximum capacity of the facility.
3. How many inmates in SCDC custody have been tested for COVID-19?

4. How many inmates in SCDC custody have tested positive for COVID-19?
5. How many COVID-19 positive inmates does each SCDC facility currently have?
6. Please state, in detail, SCDC's screening policies for inmates who exhibit symptoms of COVID-19?
7. Please state, in detail, the actions SCDC takes when an inmate tests positive for COVID-19.
8. How many people does SCDC employ?
9. How many SCDC employees have tested positive for COVID-19?
10. Please list the number of SCDC employees that work at each facility.
11. How many COVID-19 positive employees does each SCDC facility currently have?
12. Please state, in detail, SCDC's policies and procedures for employees who test positive for COVID-19 returning to work.
13. Is there a process available to SCDC inmates to seek early release due to COVID-19?
14. Have any of the Petitioners pursued any administrative remedies for early release?
15. How many inmates have been released early in response to COVID-19?
16. What measures are Respondent South Carolina Department of Probation, Parole, and Pardon taking to resume parole hearings or otherwise dispose of parole applications?
17. As to Subclass 1:
 - a. Identify the approximate number of inmates over the age of 50.
 - b. Identify the means by which SCDC classifies inmates.
 - c. Identify the approximate number of inmates over the age of 50 in each custody level.
18. As to the remaining Subclasses, identify the approximate number of inmates in each Subclass.
19. Identify every statute or regulation that authorizes Respondents to release an inmate early from his or her term of imprisonment. Identify which Respondent(s)

are vested with the authority to determine whether to exercise each method of early release.

20. Identify any lawsuits filed in state court related to Respondents' handling of COVID-19 in SCDC facilities. For each lawsuit, provide the case name, case number, venue, and status of the litigation.

Conclusion

Petitioners are directed to serve this Order on Respondents or their counsel and file a Certificate of Service no later than 5:00 p.m. on April 28, 2020.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 28, 2020
Spartanburg, South Carolina